

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011010139

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
DENYING NOTICE OF
INSUFFICIENCY AS MOOT

On January 6, 2011, Student filed a Due Process Hearing Request (complaint), naming Norwalk-La Mirada Unified School District (District). On January 10, 2011, District filed a Notice of Insufficiency challenging the complaint. On January 12, 2011, Student filed a Request/Motion to Amend the Due Process Hearing Request (amended complaint).

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

The motion to amend is timely and is granted because it was filed within one week of the date of the first complaint. The amended complaint shall be deemed filed as of January 12, 2011. All applicable timelines shall be reset as of the date of this order. District's NOI is denied as moot. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: January 12, 2011

/s/

GLYNDA GOMEZ

Administrative Law Judge

Office of Administrative Hearings

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.